

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Z-TEL COMMUNICATIONS, INC.	}	
	}	
Complainant	}	
	}	
vs.	}	Docket No. 02-0160
	}	
ILLINOIS BELL TELEPHONE COMPANY, d/b/a AMERITECH ILLINOIS	}	
	}	
Respondent	}	

AMERITECH ILLINOIS' INITIAL BRIEF ON REHEARING
ON THE PARITY ISSUE

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Pursuant to the schedule adopted by the Administrative Law Judge, Illinois Bell Telephone Company d/b/a Ameritech Illinois ("Ameritech Illinois") files this initial brief on rehearing on the parity issue.

I. BACKGROUND

In the Parity Requirement section of its Final Order entered May 8, 2002, the Commission concluded that Z-Tel should have the "option of receiving more detailed OSS information about disconnected customers, containing the same data fields as are currently sent to Ameritech's retail and Winback business units." Order, p. 19. The Commission stated there was ample evidence "showing that the enhanced LLN that Ameritech Winback receives contains more

data fields and is generated at an earlier stage than the notice sent to Z-Tel.”¹ *Id.* The Order provided that until Ameritech Illinois made available to Z-Tel the option to “choose between the 836 LLN and/or a notice that is sent in the same timeframes and contains as much information as that currently sent to Ameritech’s retail and Winback business units,” Ameritech Illinois’ Winback unit was prohibited from using the enhanced LLN. *Id.*, pp. 19-20. The Order directed Ameritech Illinois to make the enhanced LLN available to Z-Tel by no later than July 1, 2002.

Z-Tel’s complaint contained no allegation that the content of the 836 LLN was insufficient, nor was any testimony presented on this point. The subject was not addressed in the Commission’s Final Order.

In compliance with the Commission’s Order, Ameritech Illinois made the “enhanced LLN,” designated as the “Local Loss Report,” available to Z-Tel and other CLECs on June 17, 2002. Ameritech Ill. Ex. 3.0, p. 3. (The enhanced LLN will hereafter be referred to as the “Local Loss Report” or “LLR.”)

In its Application for Rehearing filed on June 6, 2002, Ameritech Illinois requested the Commission to reconsider the requirement that Ameritech Illinois provide the Local Loss Report to the CLECs. Ameritech Illinois noted that parity was achieved with the CLECs because Ameritech Illinois’ retail operations had

¹ The “enhanced LLN” was delivered to the Winback database at the end of the second day following disconnect. Ameritech Illinois Ex. 1.0, Sch. A. The 836 LLN is sent within one hour after order completion. The Order’s statement that the “enhanced LLN” was generated at an earlier stage was merely a reflection of the fact that during the time period addressed in the Order, Ameritech Illinois frequently was unable to deliver the 836 LLN in a timely manner.

switched to exclusive use of the 836 LLN as directed by the Commission.

Ameritech Illinois argued that the Local Loss Report was redundant to the 836 LLN and would provide no additional benefit to the CLECs. Ameritech Illinois Application for Rehearing, p. 10. On June 19, 2002, the Commission granted Ameritech Illinois' application for rehearing on this issue.

Z-Tel did not seek rehearing of the Commission's Order on any issue.

II. THE REQUIREMENT TO PROVIDE THE LOCAL LOSS REPORT SHOULD BE DELETED FROM THE COMMISSION'S ORDER.

A. Evidence presented.

In support of its position that the requirement to provide the Local Loss Report should be deleted from the Commission's Order, Ameritech Illinois presented the direct and rebuttal testimony of Beth Lawson. Ms. Lawson explained the differences between the 836 LLN and the Local Loss Report that made the LLR a less reliable indicator of competitive line losses than the 836 LLN. First, the LLR listed the due date of a disconnect order which might not be the date upon which the order was actually completed. By contrast, the 836 LLN lists the completion date. Second, unlike the 836 LLN, the LLR does not report disconnections of circuits (telephone lines with no assigned telephone numbers), and it does not report all partial migration losses. Ameritech Ill. Ex. 3.0, p. 6. (In addition, unlike the 836 LLN, which is generated within one hour of order completion, it takes two days to generate the LLR. See Ameritech Illinois Ex. 1.0, Sch. A.) Ms. Lawson also explained that the additional information fields on

the LLR provided information that the industry had agreed was not necessary to the line loss notification process. Ameritech Ill. Ex. 3.0, p. 6.

Ms. Lawson testified that because the LLR was less complete than the 836 LLN and did not provide any additional information needed for a line loss notification, it was unclear whether, or for what purpose, the CLECs would use it. Therefore, she stated that Ameritech Illinois should have the option to discontinue it. Ameritech Ill. Ex. 3.0, p. 7.

Michael Reith's testimony for Z-Tel essentially confirmed Ms. Lawson's testimony. He stated that Z-Tel does not use the LLR because of the limitations described by Ms. Lawson and because it is not integrated with the 836 LLN. Z-Tel Ex. 7.0, p. 6.

Staff witness Nancy Weber opposed elimination of the LLR. Her position was that Ameritech Illinois should not be allowed to discontinue the LLR simply because Ameritech's retail operations no longer received or used it. Staff Ex. 3.0, p. 4. However, she did not respond to Ms. Lawson's testimony, and Mr. Reith's admission, that the LLR was neither useful to nor used by the CLECs.

B. The requirement to provide the LLR should be eliminated.

The 836 LLN process provides more complete, accurate and timely line loss notification than the LLR. Z-Tel admits that it does not use the LLR. Ameritech retail no longer receives or uses the LLR and will not receive or use it in the future. Under these circumstances, no reason exists to require Ameritech

Illinois to incur the continuing expense of providing a report that no one uses. The requirement to provide it should be deleted from the Commission's Order.

Z-Tel indicated that it would not object to elimination of the LLR if Ameritech Illinois were required to include four additional information fields in the 836 LLN. Z-Tel Ex. 7.0, p. 2. The Commission should reject this proposed tradeoff and either grant or deny Ameritech Illinois' request on its merits. The form and content of the 836 LLN were negotiated with the CLECs during the collaborative process required by the FCC's² and this Commission's³ Merger Orders. The 836 LLN is consistent with Industry Guidelines developed by the Ordering and Billing Forum ("OBF"), the organization responsible for developing industry guidelines for EDI transaction sets. The current version (LSOG 5) was implemented in 2002 as part of the Uniform and Enhanced OSS Plan of Record ("U&E POR") required by this Commission and is uniform throughout SBC's 13-state territory. Ameritech Ill. Ex. 4.0, pp. 2-4. Many CLECs operate in multiple jurisdictions and have made clear their desire that the 836 LLN be uniform in all jurisdictions. Tr. 467. Ameritech Illinois should not be ordered to deviate from the industry guidelines, the 836 LLN negotiated with CLECs during the collaborative process, and the U&E POR implemented pursuant to the Merger Orders. This is particularly true where Z-Tel is requesting a non-standard

² In re Applications of Ameritech Corporation and SBC Communications, Inc. for Consent to Transfer Control of Corporations Holding Commission Licenses and Lines Pursuant to Sections 214 and 310(d) of the Communications Act, CC Docket NO. 98-141 (FCC 99-279 released October 8, 1999).

³ ICC Docket No. 98-0555, Order, September 23, 1999, pp. 183-184.

836 LLN containing information the industry has already decided is not necessary or appropriate in an 836 LLN.

III. THE COMMISSION HAS NO JURISDICTION TO CONSIDER Z-TEL'S REQUEST FOR RELIEF.

A. Background.

In its Verified Complaint, Z-Tel repeatedly alleged that Ameritech Illinois provided Z-Tel with 836 LLNs that were “inaccurate, untimely and unreliable.” Verified Complaint, ¶¶ 12, 16, 17, 19, 2, 21 & 33. Nowhere in its Verified Complaint or its First Amended Verified Complaint, however, did Z-Tel allege, suggest or imply that additional information was required in the 836 LLN. Z-Tel's prayers for relief contained no request to modify the content of the 836 LLN. Nor did Z-Tel contend in its testimony and briefs in the complaint proceeding that the content of the 836 LLN should be changed.

Z-Tel's complaint alleged that Ameritech Illinois provided its own retail operations with a preferential form of line loss notification. Z-Tel requested that Ameritech Illinois be required to provide Z-Tel with the “identical” form of line loss notification that Ameritech Illinois provided to its own retail operations. Verified Complaint, p. 2, 2nd unnumbered ¶ & p. 14, 1st request for relief.

The Commission granted Z-Tel's prayer for relief. It ordered Ameritech Illinois to provide Z-Tel with “a notice that is sent in the same timeframes and contains as much information as that currently sent to Ameritech's retail and Winback business units.” Order, pp. 19-20. The Commission also ordered Ameritech Illinois to fix the 836 LLN process and provide 836 LLNs in a timely

and accurate manner. Order, p. 24. However, the Commission did not require any change to the content of the 836 LLN, nor was there any discussion of this subject in the Order. Z-Tel did not file an application for rehearing from the Commission's Order.

In its response testimony in the rehearing proceeding, Z-Tel raised the issue of the content of the 836 LLN for the first time and requested that the Commission order Ameritech Illinois to modify the 836 LLN to include four additional fields of information.

B. In the absence of a complaint and an application for rehearing, the Commission has no jurisdiction to consider Z-Tel's Request.

The Commission does not have jurisdiction to consider Z-Tel's new request for relief for two reasons. First, Z-Tel did not request this relief in its complaint or amended complaint. The Commission "cannot enter a valid order which is broader than the written complaint filed in the case." *Alton & Southern Railroad Co. v. Illinois Commerce Commission*, 316 Ill. 625, 630, 147 N. E. 417, 419 (1925) ("While the Commission should be liberal in construing the pleadings before it, the statute requires that carriers be notified of the complaint which they are required to answer, and, though no particular form is prescribed, there must be a statement of the thing which is claimed to be wrong sufficiently plain to put the carrier upon its defense."); *Peoples Gas Light and Coke Company v. Illinois Commerce Commission*, 221 Ill. App. 3d 1053, 1060, 583 N.E. 2d 68, 72 (1st Dist. 1991) (If the ICC were permitted to enter an order that is broader than the

written complaint filed in the case it then would be ruling on an issue of which the responding party had no notice and no opportunity to defend or address.”)

The *Alton & Southern Railroad* and *Peoples Gas* cases involved situations where the Commission was reversed for granting relief in its Final Order that was not requested in the complaint. In the present case, the Commission did not grant or even address in its Final Order the relief Z-Tel now requests. If Z-Tel’s request were granted, the Commission would be in the position of granting relief that was not requested in the complaint, discussed in the testimony, addressed in the Final Order or requested in an application for rehearing. Consequently, the statutory and due process violations found in *Alton & Southern Railroad* and *Peoples Gas* would be multiplied several fold in this proceeding.

The second reason the Commission does not have jurisdiction is that Z-Tel did not file an application for rehearing from the Commission’s Final Order. Therefore, the Order is final as to Z-Tel, and the Commission has lost jurisdiction to even entertain Z-Tel’s new request for relief. While the Commission granted Ameritech Illinois’ application for rehearing on two issues, the Commission is limited on rehearing to considering those issues “as allowed.” 220 ILCS 5/10-113. The Commission may not make any other changes to the order except pursuant to a new complaint and hearings. *Quantum Pipeline Co. v. Illinois Commerce Commission*, 304 Ill. App. 3d 310, 319, 709 N.E. 2d 950, 956 (3rd Dist. 1999); *Commonwealth Edison Company v. Illinois Commerce Commission*, 180 Ill. App. 3d 899, 909, 536 N.E. 2d 724, 730-731 (1st Dist. 1988); *Union Electric Company v. Illinois Commerce Commission*, 39 Ill. 2d 386, 392-394, 235

N.E. 2d 604, 609 (1968); *Central Northwest Business Men's Ass'n v. Illinois Commerce Commission*, 337 Ill. 149, 158-159, 168 N.E. 890, 893-894 (1929).

IV. THE COMMISSION SHOULD DENY Z-TEL'S NEW REQUEST FOR RELIEF.

Even if it had jurisdiction to consider Z-Tel's new request for relief, which it does not, the Commission should deny Z-Tel's request to change the content of the 836 LLN.

A. Granting Z-Tel's request would be inconsistent with the FCC's and this Commission's Orders approving the SBC-Ameritech merger.

In the SBC-Ameritech Merger Order, the Commission imposed requirements for developing and implementing uniform and enhanced Operations Support Systems ("OSS") and OSS interfaces that would provide the CLECS with the capability to operate at parity with Ameritech Illinois' retail operations. The Commission stated, "Joint Applicants shall implement a comprehensive plan for improving the OSS systems and interfaces available to CLECs in Illinois." ICC Docket No. 98-0555, Order, September 23, 1999, p. 183. To accomplish this objective, the Commission directed SBC-Ameritech to "work collaboratively" with CLECs. *Id.* The Commission further directed Ameritech Illinois to deploy commercially ready OSS interfaces "as defined, adopted, and periodically updated by industry standard setting bodies for OSS." *Id.* The Commission's

requirements paralleled and were consistent with the requirements set forth by the FCC in its Order approving the SBC-Ameritech merger.⁴

Following the procedures established by the Commission and the FCC, SBC-Ameritech worked collaboratively with the CLECs, and with standard setting bodies such as the OBF, to develop and implement uniform and enhanced OSS and OSS interfaces, including the 836 LLN. SBC-Ameritech and the CLECs agreed during the collaborative process that the 836 LLN was the form of line loss notification that should be uniformly adopted. They also agreed upon content of the 836 LLN. The 836 LLN has been implemented throughout the 13-state SBC-Ameritech operating territory as part of the U&E POR. Ameritech Ill. Ex. 4.0, pp. 2-4.

Z-Tel now is asking the Commission to renege on the process it established for developing and implementing uniform and enhanced OSS and OSS interfaces, including the 836 LLN; to reject the agreements reached during the collaborative process; to reject the goal of uniformity; to ignore the industry guidelines for 836 LLNs; to ignore the available procedures by which Z-Tel could properly request changes in the content of the 836 LLN; and to unilaterally impose a non-standard form of 836 LLN in Illinois without any consideration of the views of other CLECs and without any complaint ever having been made with respect to the content of the 836 LLN. Such action by the Commission, in addition to being beyond its jurisdiction in this proceeding, would undermine the

⁴ In re Applications of Ameritech Corporation and SBC Communications, Inc. for Consent to Transfer Control of Corporations Holding Commission Licenses and Lines Pursuant to Sections 214 and 310(d) of the Communications Act, CC Docket NO. 98-141 (FCC 99-279 released October 8, 1999).

work of industry standard setting bodies and weaken the basis for future industry cooperation and agreement. Ameritech Ill. Ex. 4.0, p. 4. Z-Tel's request should be rejected out of hand. *Id.*

During cross examination of Ms. Lawson, Z-Tel sought to imply that the Commission should ignore the OBF industry guidelines and the agreements reached during the collaborative process regarding the 836 LLN on the ground that they preceded this Commission's May 8th Order determining that Ameritech had violated Sections 13-514 and 13-801. Z-Tel's point is unclear. The violations found by the Commission had nothing to do with the content of the 836 LLN. Rather, those violations were based upon Ameritech Illinois' inability to provide accurate and timely 836 LLNs for a period of time during which it provided an alternate line loss notification to its own retail operations.

The CLECs and SBC-Ameritech determined the content of the 836 LLN based upon the information they mutually agreed was necessary and appropriate. That information does not change simply because another report exists that may contain other information or because some 836 LLNs were delayed. If Z-Tel believes that the industry would consider Ameritech Illinois' violation to be relevant to the appropriate content of the 836 LLN, it should raise that issue with the OBF or directly with SBC-Ameritech and other CLECs through the CLEC User Forum or Change Management Process. Ameritech Ill. Ex. 4.0, p. 4.

Z-Tel also sought to imply during cross-examination that the Commission should ignore the OBF industry guidelines and the agreements reached in the

collaborative process on the ground that they were not subject to judicial review. Once again, Z-Tel has launched a misguided missile. The Commission's Merger Order provided that any CLEC dissatisfied with the agreements reached during the collaborative process "may file a complaint with the Commission which shall arbitrate the issue(s)." ICC Docket No. 98-0555, Order, September 23, 1999, p. 184. If Z-Tel or any other CLEC believed that the 836 LLN was in violation of law, they would and should have filed such a complaint. Yet, no complaint was filed by any carrier related to the 836 LLN process. Ameritech Ill. Ex. 4.0, p. 3.

B. Z-Tel provided no legal basis for the relief its requests.

Z-Tel's complaint does not set forth the legal basis for the relief Z-Tel now requests. Z-Tel did not file an application for rehearing from the Commission's Order. Mr. Reith's testimony does not identify Z-Tel's legal theory for the relief it now requests. For all these reasons, if the Commission were to grant Z-Tel the additional relief it now requests, Ameritech Illinois would be deprived of due process and its right under the Public Utilities Act to be apprised of the charges against it and be given an opportunity to respond to those charges. *Alton & Southern Railroad Co. v. Illinois Commerce Commission*, 316 Ill. 625, 630, 147 N. E. 417, 419 (1925); *Peoples Gas Light and Coke Company v. Illinois Commerce Commission*, 221 Ill. App. 3d 1053, 1060, 583 N.E. 2d 68, 72 (1st Dist. 1991)

Ameritech Illinois and the Commission are left to speculate on what Z-Tel's legal theory might be. Certainly, the requested changes to the 836 LLN

are not required to achieve parity. Ameritech's retail operations have implemented LSOG 5 and receive only the working telephone number (or circuit ID) of the line being disconnected and the date of order completion. All other CLECs in Illinois, including Z-Tel, receive the same (if they use LSOG 5) or more (if they use LSOG 4) information. Ameritech Ill. Ex. 4.0, Sch. B.

While Z-Tel complains that Ameritech Illinois has not integrated the LLR with the 836 LLN, the two reports are not now, nor have they ever been, integrated for Ameritech Illinois' retail operations. The LLR was used by Ameritech retail as a substitute for the 836 LLN because it was not permitted to use the 836 LLN. Once Ameritech retail was again permitted to use the 836 LLN, it stopped receiving or using the LLR. The Commission's Order provided that Z-Tel should have the "option" to receive the LLR so that Z-Tel could "choose between" the 836 LLN and the LLR. Order, p. 19. Z-Tel has been given that option. If Z-Tel wishes to integrate the 836 LLN and the LLR, it is free to do so in its own systems, but such integration is not required for parity, and it is not required by the Commission's Order.

Without a cause of action, relief cannot be granted. Z-Tel has not identified a cause of action. Therefore, its request to change the 836 LLN should be denied.

B. Z-Tel has failed to provide substantial evidence that the 836 LLN is unlawful or unreasonable.

If Z-Tel wants the 836 LLN changed, it has the burden to prove by substantial evidence that it is unlawful or unreasonable in its present form. The

fact that Z-Tel thinks it might be “nice” to add additional information is wholly insufficient to sustain its burden. *Royal Elm Nursing and Convalescent Center, Inc. v. Northern Illinois Gas Company*, 172 Ill. App. 3d 74, 78, 526 N.E. 2d 376, 378-379 (1st Dist. 1988); *Chicago & E. I. Ry. Co. v. Illinois Commerce Commission*, 341 Ill. 277, 284-285, 173 N.E. 380, 383 (1930).

Z-Tel has failed abysmally to meet its burden of proof that the 836 LLN is unlawful or unreasonable. Z-Tel does not even suggest that the 836 LLN is unlawful in its current form. Z-Tel also does not contend factually that the additional information is necessary to properly bill its customers or update its records, the primary purpose for which the 836 LLN was designed. Instead, Z-Tel’s “substantial evidence” consists of one sentence to at most one paragraph rationalizations why it would be nice to include each category of information.

Z-Tel identifies four categories of information it would like to see added to the 836 LLN: the Disconnect Reason Code (“DRC”), the billing telephone number (“BTN”), the order number and a contact name. The DRC indicates whether the winning carrier is Ameritech retail or if a CLEC, whether the CLEC provides service via resale, the UNE-P or a combination of a UNE loop and its own switching. Z-Tel Ex. 7.0, p. 4. Z-Tel says it would use this information for marketing purposes. Z-Tel Ex. 7.0, p. 11.

Ameritech Illinois considers the DRC to be carrier confidential information, and Ameritech’s retail operations have never been permitted to use the information for marketing purposes. Ameritech Ill. Ex. 4.0, pp. 11-12. Nor has

the DRC been provided in SBC's Pacific Bell and SWBT regions. Z-Tel Ex. 7.0, pp. 9-10. Z-Tel failed to address the issue of carrier confidentiality.

Adding the DRC to the 836 LLN would mean that all carriers, including Ameritech retail, would necessarily receive this information for every competitive loss. Ameritech Illinois would consider inclusion of this information in the 836 LLN to be improper, as might competing CLECs.

Z-Tel's also requests inclusion of the BTN. The BTN is included on the older types of line loss notification in SBC's SWBT territory (Z-Tel Ex. 7.0, p. 9). However, the BTN is not included on the 836 LLN implemented as part of the U&E POR, which is replacing the older types of line loss notification in SWBT territory. While the older types of line loss notification are still being used by carriers that have not yet converted to the 836 LLN, they will be phased out over time. Ameritech Ill. Ex. 4.0, pp. 12-13.

Mr. Reith stated that "having the billing telephone number will allow Z-Tel to verify when the customer has multiple lines billed to the same account." Z-Tel Ex. 7.0, p. 10. This is a meaningless rationalization. As Ms. Lawson pointed out, Z-Tel does its own customer billing using its own billing system. Z-Tel determines the billing telephone number that will be used in its system and what lines will be billed against that BTN. Including the BTN on the LLN would simply feed back to Z-Tel the BTN that it established and that it controls. Ameritech Ill. Ex. 4.0, pp. 8-9.

The BTN was not included on the earlier Issue 7 version of the 836 LLN used by Z-Tel or on LSOG 4, which Z-Tel currently uses. (Z-Tel Cross Ex. 4). If

Z-Tel thinks it would be desirable to include the BTN on the 836 LLN, it is curious that it never thought of it before now.

Z-Tel also requests that the order number be added to the 836 LLN. The order number was included on Issue 7 and earlier versions of the 836 LLN. During the collaborative process, the CLECs agreed to take it off because it was unnecessary. Ameritech III. Ex. 4.0, p. 9.

Mr. Reith's sole rationale for reinserting the order number was that "the order number would have helped Z-Tel investigate the "N Order" problem described in my earlier testimony." Z-Tel Ex. 7.0, p. 10. When Ms. Lawson reminded Mr. Reith that the order number was included on the 836 LLN Z-Tel received at the time the "N Order" problem arose and actually caused the problem (Ameritech III. Ex. 4.0, p. 9), Mr. Reith's response was to delete the words "would have" from the sentence. Tr. 545. Of course, even the revised statement is false. The evidence is undisputed that the order number did not help Z-Tel investigate the problem. Instead, the order number only caused confusion. Tr. 177-183.

Finally, Z-Tel requests that a contact name be included on the 836 LLN. Mr. Reith stated, "Having an Ameritech contact name and number will facilitate the correction of any continuing line loss or account problems." Z-Tel Ex. 7.0, p. 10. Z-Tel already has a contact name and number to call for line loss problems, and it calls regularly. Ameritech III. Ex. 4.0, p. 10. Z-Tel does not explain how separately listing that person's name on every 836 LLN would improve the situation.

In summary, the DRC is carrier confidential information, which should not be used for the marketing purposes described by Z-Tel and certainly should not be included on the 836 LLN. Z-Tel's rationalizations for including the BTN, the order number and a contact name are either illusory or paper thin and appear to have been trumped up to perpetuate conflict and controversy in this proceeding. None of these information fields are recommended in the OBF industry guidelines or were included during the collaborative process. Obviously, those CLECs that have thought about the process concluded that this information was not required or necessary in the 836 LLN.

D. The information Z-Tel requests is available from other sources.

Assuming *arguendo* that Z-Tel really wanted to receive the information it identifies, the information is readily available from other sources. Rather than require Ameritech Illinois to provide an 836 LLN that is inconsistent with the U&E POR, the industry guidelines and the outcome of the collaborative process, Z-Tel should be required to use the alternative sources of information.

Z-Tel already knows the name, address, telephone number, fax number and email address of its contact person. Ameritech Ill. Ex. 4.0, p. 10.

Z-Tel also already knows the BTN through its own billing system. Ameritech Ill. Ex. 4.0, p. 8. However, the BTN, along with the DRC and the order number, are also shown on the ASON service order. Z-Tel may view and copy this information using the Order Status Inquiry function of the enhanced Verigate

system, which is accessed via the Web Toolbar. Z-Tel uses this function frequently. Ameritech Ill. Ex. 4.0, p. 6.

Z-Tel also has the existing capability to access ASON service orders using its CORBA Application to Application interface. Using CORBA, Z-Tel could download any or all of the information from the service order, integrate it with Z-Tel's systems and store, format and use the information in any way it saw fit.⁵ Ameritech Ill. Ex. 4.0, p. 7; Tr. 521-522.

V. CONCLUSION

Ameritech Illinois' Application for Rehearing requested straightforward relief: elimination of the requirement to provide the Local Loss Report on a going forward basis. The evidence is not disputed that the LLR is less complete and timely than the 836 LLN. The additional information it contains is not necessary for carriers to update their records and properly bill their customers. While Z-Tel contends that the DRC provides helpful marketing information, the DRC should be considered carrier confidential information and not used for marketing purposes. Z-Tel candidly admits that it finds the LLR to be of no value and does not use it. Staff also does not contend that the LLR is of any actual value to the CLECs. For all these reasons, Ameritech Illinois' request should be granted, and the requirement to provide the Local Loss Report on a going forward basis should be eliminated.

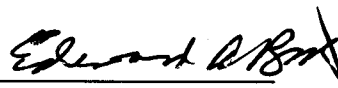
⁵ The DRC and the BTN are also provided on the LLR and would continue to be available if Ameritech Illinois' Application for Rehearing were denied.

Z-Tel did not file an application for rehearing of the Commission's Order. Z-Tel has lost its right to appeal the Order, and it has lost its right to retry the case. Likewise, the Commission has lost its jurisdiction to grant any additional relief to Z-Tel. Z-Tel is attempting to improperly use Ameritech Illinois' application for rehearing to obtain new relief without benefit of a complaint, a cause of action, substantial evidence or Commission jurisdiction.

What is worse, Z-Tel is asking the Commission to ignore OBF industry guidelines for line loss notifications and drastically alter the uniform 13-state 836 LLN developed by SBC-Ameritech and the CLECs during the collaborative process and implemented in the Uniform and Enhanced OSS Plan of Record. The changes requested to the 836 LLN are without reasonable basis and would serve only to destroy industry consensus and replace industry cooperation with industry confrontation.

Z-Tel's attempt to subvert the legitimate purpose of this rehearing proceeding—to consider the changes to the Order requested by Ameritech Illinois in the portions of its application for rehearing upon which rehearing was granted---should be soundly rejected.

Respectfully submitted,
Ameritech Illinois

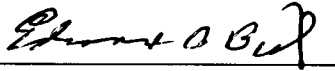
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Notice of Filing and Certificate of Service

The undersigned, an attorney, certifies that Ameritech Illinois' Initial Brief on Rehearing on the Parity Issue was filed with Donna Caton, Chief Clerk of the Illinois Commerce Commission, by e-docket and copies were served on each person on the attached Service List by electronic mail on October 4, 2002.



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